

REMARKS

In the Office Action, the Examiner allowed claims 12, 13, 28-30, 83-85, 109-113 and 117. The Examiner also rejected claims 1, 19, 31, 33-34, 39, 100-101 and 103-105 under 35 USC 102, and claims 2-11, 14-18, 20-27, 31-32, 35-38, 40-49, 81-82, 86-99, 102, 114-116 and 118-119 under 35 USC 103. These rejections are fully traversed below.

Claims 1, 19-27, 31, 39-49, 88 and 100 have been amended. Claim 3 has been cancelled. Thus, claims 1, 2, 4-49, 81-105, 109-119 are pending in the application. Reconsideration of the application is respectfully requested based on the following remarks.

Drawings

The drawings are objected to under 37 CFR 1.83(a).

It is respectfully submitted that the use of "light panel" in the claims is deemed proper since it covers an LCD panel, which is shown in the Figures (see element 214 in Fig. 2 and element 402 in Fig. 4). In addition, the term light panel is used in Fig. 5. See for example, block 502, which states "emitting light from a light panel in first and second directions." Accordingly, the drawings show every feature of the invention specified in the claims and therefore the objection should be withdrawn.

Claim Objections

The Applicant agrees with renumbering the misnumbered claims 115-118 to 116-119 (see Listing of Claims).

Claim Rejections – 35 USC 102(b)

Claims 1, 19, 39 and 100-101 have been rejected under 35 U.S.C. §102(b) as being anticipated by *Bejin* (U.S. Patent No. 5,406,729).

In contrast to *Bejin*, claim 1 specifically requires a liquid crystal display panel. This particular element was moved from claim 3 into claim 1 in order to expedite prosecution. The circular fluorescent light 24 of *Bejin* is simply not a light panel let alone a liquid crystal display. Accordingly, the rejection is unsupported by the art and should be withdrawn.

In contrast to *Bejin*, claim 19 specifically requires, "...said light source producing light for a display screen of the computer monitor..." While *Bejin* may disclose an illuminated display, *Bejin* does not teach or suggest a computer monitor. *Bejin* is completely silent to computers let alone computer monitors. As should be appreciated, the illuminated display in *Bejin* is directed at an illuminated advertising display for continuously exhibiting consumer products. Advertising displays and computer monitors are two completely different things. With regards to *Bejin*, the advertising display is used to advertise contact lenses, lipstick, and earrings. Computer monitors, on the other hand, are configured to display text and graphics associated with programs running in a computer system. For example, computer monitors may be used to display a graphical user interface on the display screen. Accordingly, the rejection is unsupported by the art and should be withdrawn.

In contrast to *Bejin*, claim 39 specifically requires, "...an outer shell for providing a housing for at least a rear portion of said computer monitor, said outer shell including a transparent portion through which a portion of the light emitted by said flat panel display in the back direction is able to pass." As mentioned above, *Bejin* does not teach a computer monitor. Furthermore, while *Bejin* may disclose a translucent screen 22, *Bejin* does not teach or suggest a rear portion of a housing having a translucent portion that allows light to pass therethrough. In *Bejin*, the rear portion of the housing 21 includes a back wall 30. And the back wall 30 does not allow light to pass therethrough. *Bejin* states, "The inside surfaces of the top 27, bottom 28, back 30 and side 29 walls are preferably finished in a truly white enamel that will not yellow with age (Col. 2, lines 62-64)." As should be appreciated, the enameled surface will form an opaque layer that prevents light from passing therethrough. Moreover, *Bejin* does not teach or suggest, "a flat

panel display," as required by claim 39. The circular fluorescent light 24 of *Bejin* is simply not a flat panel display. The circular fluorescent light 24 is formed in a cylindrical tube as shown in the Figures therefore there is nothing flat about it, i.e., *Bejin* states, "The fluorescent light 24 is a conventional AC circline type light (Col. 2, lines 57-58). Accordingly, the rejection is unsupported by the art and should be withdrawn.

Also in contrast to *Bejin*, claim 100 (and its dependent 101) specifically requires, "...a housing having a translucent wall and an opening for a display screen of the computer monitor.." *Bejin* does not teach or suggest computer monitors or openings in housings. *Bejin* further does not teach or suggest, "...a light source for illuminating the display screen and for illuminating at least a portion of the translucent wall," as required by claim 100. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Claims 31, 33-34 and 103-105 have been rejected under 35 U.S.C. §102(b) as being anticipated by *Ohgami* et al. (U.S. Patent No. 5,689,400).

In contrast to *Ohgami*, claim 31 (and its dependents) specifically requires, "...a frame disposed inside said outer shell and supporting said display portion with respect to said base portion by way of said hinge." While *Ohgami* may disclose an LCD 163 and a display housing 162 having a front housing 164 and a rear housing 165, *Ohgami* does not teach or suggest a frame disposed therein or a frame that supports the display unit 161 with respect to the base unit 2. In *Ohgami*, the display unit 161 is supported on the base unit 2 via the display housing 162, upper housing 4 and hinge devices 177 and 178. In particular, leg portions 168 and 169, which are continuous with the front and rear housing 164 and 165 are supported on the lower housing 3 via first and second hinges 177 and 178, which are disposed between leg mounting portions 17a and 17b. As shown, it is the display housing 162 that supports the display unit 161 relative to the base unit 2, not an internal frame component as in claim 31. The front housing 164 (which the Examiner used as the frame) is simply not an internal component of the display housing 162. In fact, the front housing 164 is the housing, i.e., an external component. As mentioned previously, something that forms a housing cannot also be something disposed inside the housing. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Although the rejections to the dependent claims 33-34 and 103-105 should be withdrawn for at least the reasons as above, it should be noted that they offer additional language that is

unsupported by the art. For example, *Ohgami* does not teach or suggest, “wherein said outer shell is attached to said frame...” as required by claim 33, “...wherein said flat panel display is fixedly coupled to said frame, wherein said outer shell is fixedly coupled to said frame, and wherein said frame is movably coupled to said base portion by way of said hinge, as required by claim 103, and “...wherein said back portion is formed from a translucent material,” as required by claim 105.

Claim Rejections – 35 USC 103(a)

Claims 2-11, 14-18, 20-27, 40-49, 96-99, 102 and 115 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Lewis et al.* (U.S. Patent No. 5,422,751) in view of *Bejin*.

Claims 81-82, 86-95 and 116 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ohgami* in view of *Bejin*.

Defective Prima Facie Obviousness Rejections

There must be a basis in the art for combining or modifying references.

There is no basis in the art for combining or modifying the cited references *Bejin* and *Ohgami* or *Lewis* to produce the present invention. As should be appreciated, obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. *ACS Hospital Systems, Inc. v Monteffiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

In looking at the present invention and the prior art, it appears that the Examiner constructed the claimed invention out of isolated teachings in the prior art. Claim 1 is directed towards “a display apparatus of a computer system.” The display apparatus of claim 1 includes a translucent housing and a cosmetic shield. The Examiner’s primary reference (*Ohgami* or *Lewis*) does not disclose a translucent housing or a cosmetic shield. Therefore, in order to form a 103 rejection, the Examiner used *Bejin*, which teaches a translucent screen and a rotating disk. It

is believed that the Examiner erred in determining that one of skill in the art would have been motivated to combine these references in a manner that rendered the claimed invention obvious. As should be appreciated, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Initially, the Examiner asserted that the rationale for the combination arose from the fact that all of the references are related to display devices. This is not the case, however, since *Bejin* is not directed at computer displays or monitors as in *Lewis* and *Ohgami*, but rather an electrically illuminated advertising display for continuously exhibiting consumer products in a range of colors. In particular, the advertising display of *Bejin* is used to advertise contact lenses, women's lipstick and earrings. In contrast, the computer displays as taught in *Lewis* and *Ohgami* are used to display text and graphics associated with software running in the computer system. The systems of *Lewis* and *Ohgami* have a significantly different function than the system of *Bejin*. *Bejin*'s display cannot be reasonably characterized as a display of a computer. Just because the illuminated display of *Bejin* is called a display does not mean that it is a display of a computer. In fact, it appears that *Bejin* is completely silent to computer systems at all. An illuminated advertising display is simply not a computer display.

The Examiner subsequently asserted "As far as advertising a consumer product is concerned, portable computers are also consumer products." From this statement, it is our understanding that the Examiner is asserting that the rationale for the modification would have arisen from the fact that portable computers can be advertised on the advertising display of *Bejin*. Not only is this an absurd and improper motivation, but *Bejin* does not teach, suggest or provide the incentive of advertising computers on the advertising display. It appears that the Examiner used the claimed invention as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. As should be appreciated, the Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention would select the elements from the cited prior art references for combination in the manner claimed.

Non analogous art

Not only is there no motivation to combine, but it is also believed that *Bejin* is nonanalogous art. As is well known, 35 USC 103 requires that obviousness be determined on the basis of whether at the time the invention was made a person of ordinary skill in the art to which the subject matter pertains would have found the claimed invention as whole obvious. Although one of ordinary skill in the art is presumed to be aware of all the prior art in the field to which the invention pertains, he is not presumed to be aware of prior art outside that field and the field of the problem to be solved, i.e., non analogous art. Analogous art, according to the CCPA and Federal Circuit cases, is all art that is either 1) in the field of technology of the claimed invention or 2) deals with the same problem solved by the claimed invention even though outside the field of technology of the invention. For example, the CCPA held in *In re Wood*, 599 F.2d 1032, 202 USPQ 171 (CCPA 1979): The determination that a reference is from nonanalogous art is therefore twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

With regards to the first part of the two prong inquiry, *Bejin* is directed at an electrically illuminated advertising display. In contrast, the present invention is directed at computing devices and systems, and more particularly computing devices and systems having housings that are illuminated (e.g., display apparatus). While the technologies may use similar wording in "display", it should be appreciated that displaying text and graphics via a computer display is a much different field than advertising contact lenses via a counter advertising display. With regards to the second part of the two prong inquiry, *Bejin* is directed at improving the quality of color advertising displays. In particular, continuously varying the color of an image of a product that is being advertised. In contrast, the present invention is directed at improving housings of computing devices. For example, computer housings having a logo that can be illuminated using light from the backside of a display panel. The illumination may provide visual indication of whether the display panel is on or in a sleep mode. Based on the foregoing, it is submitted that a prima facie case of obviousness has not been properly made. Accordingly, it is respectfully requested that the Examiner withdraw his rejections.

Claims 32 and 35-38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ohgami* in view of *Lewis*.

These rejections should be withdrawn for at least the same reasons as given above. That is, *Lewis* does not cure the deficiencies of *Ohgami*. Neither reference teaches or suggests, "...a frame disposed inside said outer shell and supporting said display portion with respect to said base portion by way of said hinge," as required by the independent claim 31 from which these claims depend. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Claims 118-119 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Ohgami* in view of *Lewis* et al. further in view of *Erlar* et al (U.S. Patent No. 5,706,168).

None of these references teach or suggest "...an outer shell for providing a housing for at least a rear portion of said computer monitor, said outer shell including a transparent portion through which a portion of the light emitted by said flat panel display in the back direction is able to pass, thereby illuminating the transparent portion when said flat panel display is active," as required by the independent claim 39 from which these claims depend. Accordingly, the rejection is unsupported by the art and should be withdrawn.

Allowable Subject Matter

Claims 28-30 and 109-113 have been allowed. Claims 12-13, 83-85 and 117 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

SUMMARY

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "Quin C. Hoellwarth", with a stylized flourish at the end.

Quin C. Hoellwarth
Reg. No. 45,738

P.O. Box 778
Berkeley, CA 94704-0778
(650) 961-8300